

THE ARIZONA SILVER BELT

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MR. MURPHY'S APOSTASY.

It would be far more agreeable to us to give cordial support to our Delegate in Congress in all matters pertaining to the interests of Arizona. A Delegate, in our opinion, no matter what his politics is, should aim to represent the whole people. He should endeavor to learn what they really want, and direct himself of party prejudice to the extent at least that it will not impair his usefulness as the people's representative. And above all he should live up to the principles of the platform upon which he was elected and to his declarations and promises made during the campaign, to which he owes his election. The majority of the people, accepting these professions in good faith, cast their votes for him and have a right to expect the fulfillment of the promises made.

The Republicans of Arizona declared unequivocally for the free coinage of silver, and Mr. Murphy reiterated that principle, dear to the hearts of Arizonans, in all his public speeches during the campaign. Therefore, his expression of opinion, several weeks ago, that the silver question is of small importance in Arizona and that the people of the Territory are not extremists on the financial question, was a rude shock to his constituents. Some of the Republican organs in Arizona have endeavored to explain away Mr. Murphy's recantation, but the attempt is abortive since Mr. Murphy has not essayed to deny the sentiments attributed to him. Delegate Murphy has not only offered no denial, but in an interview published in the New York Tribune of January 25, has emphasized his hostility to silver, and, as a corrective for our financial evils, advocates the retirement of the greenbacks and the issue of 8 per cent bonds to accomplish it. And to offset the contraction of the currency which would result from such action, advises that the national banks should be permitted to increase their circulation up to par of their deposited bonds, by the purchase of United States bonds in gold. And if further subscription to bonds is needed by the Government, to invite a popular loan of 3 per cent bonds of small denominations at par, and Mr. Murphy adds, "no doubt the American people would be found no less patriotic than the French."

Mr. Murphy, if he was honest in his profession in favor of silver coinage, has been overcome by the influences of the money lenders, and is in accord with his party in the East. We are, therefore, forced to the conclusion that Delegate Murphy does not truly represent the people nor the Republican party, even in the Territory and is recreant to his trust.

JUDGE BETHUNE'S DECISION IN THE WOLFLEY CASE

The Arizona Citizen, of February 11, publishes the full text of Judge Bethune's decision in the case of Lewis Wolfley, plaintiff, vs. C. F. Leitch et al., defendants—an action for \$10,000 damages alleged to have been suffered by plaintiff by reason of the refusal of defendant, as Territorial Auditor, to issue a warrant to plaintiff for the sum of \$7,366.65.

The Legislative Assembly of Arizona passed Act No. 28, by a two-thirds vote over the veto of the Governor, to refund to Lewis Wolfley his personal expenses, with interest, incurred in obtaining the Congressional enactment of the Arizona Funding Act, and authorized and directed the Territorial Auditor to draw his warrant upon any fund not otherwise appropriated, or upon the general fund of the Territory, for the sum of \$5000, with interest added at 10 per cent per annum from June 30, 1890, the date of the approval of said Funding Act, up to the date of the approval of Act No. 28, which was not approved by the Governor, but, nevertheless, became a law March 18, 1895. On the 19th day of March, 1895, plaintiff presented to Defendant Leitch, as such Auditor, a certified copy of said act and demanded that he draw his warrant on the Treasurer for the said sum of \$5000 and interest, as provided, and which said Auditor refused to do on the ground, as set up in

Defendant Leitch's answer, that said act is unconstitutional and void and creates a debt against the Territory unwarranted and prohibited by Act of Congress approved July 30, 1890, known as the Harrison Act, and the Funding act of June 30, 1890, and amendments thereto.

The case was tried upon an agreed statement of facts setting forth that when the Harrison Act became a law Arizona was in debt to the full extent permitted under said act and so continued and is at the present time in debt to an amount in excess of the limit prescribed by said act. That Lewis Wolfley was Governor of the Territory from December, 1889, to July 12, 1890, and during his incumbency claims to have rendered the services and expended the money, as he claims for the benefit of the Territory and for the purposes set forth in the preamble of Act No. 28 of the Eighteenth Legislative Assembly. That there was a balance in the general fund of the Territory March 31, 1895, of \$8,644.55. That on the 18th day of March, 1895, (when Act No. 28 became a law), there were unpaid and outstanding warrants on the general fund, drawn prior to that date, amounting to more than the amount of money in the general fund. That plaintiff's claim against the Territory was never presented to any Territorial Auditor to be audited and settled, and, in fact, has never been audited or settled.

Judge Bethune quotes section 3 of the Harrison Act, restricting the indebtedness of Territories and prohibiting Territorial legislatures authorizing any debt to be contracted "except to meet a casual deficit in the revenues, to pay the interest upon the Territorial debt, to suppress insurrections or to provide for the public defense, except * * * a loan for the erection of penal, charitable or educational institutions, if the total indebtedness of the Territory is not thereby made to exceed 1 per centum upon the assessed value of the taxable property in such Territory."

Also that portion of the Funding Act which restricts the warrants to be funded to those warrants issued "for the necessary and correct expenses of carrying on the Territorial government only."

Judge Bethune says: "After giving the matter the most correct consideration and after a laborious research and examination and with somewhat of a feeling leaning towards a wish to uphold the action of the Legislature because it appears by the act that it was considered on two different occasions by that body, and finally passed by the requisite majority to entitle it to become a law notwithstanding the veto of the Governor, yet I am driven to the conclusion, from which it seems to me there is no escape, that the act is in violation of the provisions of the Harrison Act and the amendment to the funding bill as quoted above, and is therefore null and void. It seems to me that it was the clear intention of Congress to call a halt in the unsystematic and lavish expenditure of money by the Territories and the political and municipal corporations within them, which raged at the time the Harrison Act became a law, as the history of those times abundantly shows. Can any restrictive or prohibitory language be stronger or plainer than that used in those acts and with the evident intention of Congress in passing them can it be inferred that a thing might be done indirectly, the direct doing of which was and is so positively prohibited?"

"Constitutional prohibitions against the creations of debts and obligations by States, political and municipal corporations, are mandatory, and leave no discretion to the courts or other department of the Government in construing their plain provisions."

The decision is strictly in line with the opinion rendered by Judge Baker in the case of Jordan vs. Maricopa County, declaring unconstitutional and void the Commission of Immigration Act. Both decisions are based upon those sections of the Harrison Act, limiting the indebtedness of Territories and the power of Territorial legislatures to incur indebtedness. In the event of an appeal of the case of Wolfley vs. Leitch, with Judge Baker virtually committed to Bethune's opinion, there is no probability of a reversal of the judgment of the lower court. In fact, we would expect a unanimous opinion affirming the decision, since the act of the Legislature to reimburse Lewis Wolfley is so clearly in contravention of the Harrison Act, a part of the organic law of Arizona, that there can be no two opinions on it.

We are gratified to know that our opinion of the illegality of these acts of the Eighteenth Legislature, appropriating money for purposes other than those specified and allowed by section 3 of the Harrison Act, has been confirmed by two of the four District Judges on the bench. The acts of 1895, levying taxes for the erection of the Reform school, the Normal school and dormitory at the Territorial University, come within the same inhibition, and it only requires an injunction to be brought against the levying of these taxes to obtain a decision of the court nullifying the acts mentioned.

THE ANTI-PRIZE FIGHT LAW.

The bill to prohibit prize fighting and bull fighting in the United States, introduced in the House by Delegate Catron of New Mexico, was railroaded through Congress, and by the signature of the President became a law. It reads: "That any person who, in any of the Territories, or the District of Columbia, shall voluntarily engage in a pugilistic encounter, between man and man, or a fight between man and bull, or any other animal, for money, or for other things of value, or for any championship, or upon the result of which any money or any thing of value is bet or wagered, or to which any admission fee is charged, either directly or indirectly, shall be deemed guilty of felony, and upon conviction thereof shall be punished by imprisonment in the penitentiary for not less than one year, nor more than five years."

"By the term 'pugilistic encounter,' as used in this bill, is meant any voluntary fight by blows, by means of fists or otherwise, whether with or without gloves, between two or more men, for money or for a prize of any kind, or for any other thing of value, or for any championship, or upon the result of which any money or anything of value is bet or wagered, or to see which any admission is charged, either directly or indirectly."

Important Point Raised in the Walker Case.

In the Supreme Court at Phoenix, on the 10th inst., the main cause for the day, says the Republican, was the old appeal from the probate suit over the John D. Walker estate, affecting the ownership of the famous Vekol mine, south of Casa Grande, and the possession of about \$25,000, supposed to be on deposit in a Los Angeles bank. The parties at interest are the brothers of the deceased pioneer, and the daughter, Juana Walker, offspring of deceased and of a Pima squaw. In the lower court the suit went adversely to the Indian girl, the Court declaring the marriage of the parents void and illegal, it having been by the Indian mode. Upon this ruling the daughter was therefore adjudged to have no rights in court.

Judge Street, one of the attorneys for the appellant, in his argument brought forth in an exceptionally strong manner a point that greatly interested the attendant lawyers. Counsel did not combat the ruling of the lower court on the ground of legality of the marriage tie that loosely bound John D. Walker to his Pima bride, but almost entirely confined himself to the point that after cutting out the evidence of marriage, the girl, by Territorial statute, is yet entitled to inherit without regard to legitimacy, on proof of descent.

Arizona Schools.

In 1895 the public schools had 11,450 enrolled pupils; 314 teachers; the cost of maintenance was \$201,351; and property valued at \$415,132. The University of Arizona at Tucson had ten instructors; thirty-eight students, \$30,190 income; \$26,475 invested in scientific apparatus and library, and \$66,700 in grounds and buildings. A new building is being erected for the Normal school; a Reform school is about to be opened at Flagstaff, and a number of High schools will be established in 1896 under an act of the Legislature of 1895.

Lares, the brutal murderer of the Doll family, near Mammoth, a year ago, and who is at present in the Florence jail, came near effecting his escape last Saturday night. About 9 o'clock John Harris, the night guard, heard a sound indicating that someone was digging through the brick wall, and after a careful examination he discovered that Lares had worked his way within a few minutes of liberty.—Tucson Star.

The Populist leaders are quietly and industriously at work organizing Populist clubs all over the Territory, and in Cochise county already two orders of the converts have come to light, and to all appearances others are to follow, which tends to become a factor in the coming election.—Tombstone Prospector.

The members of the Live Stock Sanitary Commission have decided to quarantine the pastures at Bisbee in which Snyder's Texas fever tick infested cattle were held. The quarantine will go into effect on February 15, and no stock of any kind will be allowed in the pasture until the 1st of next December.

C. H. Dane, the Deming and Silver City, N. M., National Bank wrecker, who was sentenced in March, 1894, to wear stripes and otherwise conform to prison rules of the New Mexico Territorial lock-up, for ten years, has had the time commuted to five years from the date of his conviction.

The news was flashed over the wire yesterday that Nansen, the Arctic explorer, who started north on a voyage of discovery June 4, 1893, has found the North Pole. The dispatch did not state what he would do with it.

The next session of the Court of Private Land Claims has been adjourned from February 17 to April 6.

Will Fight Monday.

EL PASO, February 14.—The big fight has been postponed until Monday. The cause is the fact that Maher's eyes have become inflamed by trauing in alkali dust, so that he is temporarily blind. Fitzsimmons and his backers agreed to the postponement without claiming the forfeit.

It is learned today that Stuart has arranged for a concession from the Mexican Government for the fight.

The promoters are very confident of pulling it off then. The other fights follow the main event.

Old People. Old people who require medicine to regulate the bowels and kidneys will find the true remedy in Electric Bitters. This medicine does not stimulate and contains no whisky nor other intoxicant, but acts as a tonic and appetizer, and adds strength and vitality to the organs, thereby aiding nature in the performance of the functions. Electric Bitters is an excellent purgative and aids digestion. Old people find it just exactly what they need. Price, 50c and \$1 per bottle at H. C. Hitchcock's drug store.

Nervousness

Cannot be permanently cured by the use of opiates and sedative compounds. It is too deeply seated. It is caused by an impoverished condition of the blood, upon which the nerves depend for sustenance. This is the true and only natural explanation for nervousness. Purify, enrich and vitalize the blood with

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and nervousness will disappear. Hood's Sarsaparilla will give vitality to the blood and will send it coursing through the veins and arteries charged with the life-giving, strength building qualities which make strong nerves. If you are nervous, try Hood's Sarsaparilla and find the same relief of which hundreds of people are telling in their published testimonials. Get

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Notice of Forfeiture.

TO S. W. RICHMOND, OR TO WHOM IT MAY CONCERN: This is to notify you that I, co-owner in the War Eagle mining claim, situated in the Territory of Arizona, county of Gila, and more particularly described in Book of Gila County Mining Records, at page 445, have done and performed the annual work on said claim, as required by law, for the year 1895.

This, therefore, is to notify you that if you do not pay your full proportion of the cost of said work, together with the cost of this advertisement, within ninety days after the expiration of this notice, your interest in said mining claim, as co-owner, will utterly cease, and by operation of law, become the property of the undersigned.

FRED HEITZ.

Globe, A. T., Feb. 15, 1895.—504

Southern Pacific Ry. COMPANY.

TIME TABLE—PACIFIC STANDARD TIME (19th Meridian.)

EASTWARD	STATIONS	WESTWARD
10:00 p.m.		20 12:00
10:01 3.30p	Ar-San Francisco-ar.	10.45 10.45
2.30p 10.45p	Ar-Los Angeles-ar.	2.00p 10.45
10.00 10.45p	Ar-Yuma-ar.	2.00p 12.25p
11.00 11.45p	Ar-Yuma-ar.	2.00p 12.25p
	Ar-Yuma-ar.	1.45p
	Seattle	12.25p
	Gila Bend	11.45p
3.50a 2.45a	Phoenix	10.15p 8.30p
4.25a	Casa Grande	
6.25a	Arizona	7.25p
6.50a 7.45a	Phoenix	7.50p 5.50a
6.50a 7.45a	Ar-Tucson-ar.	7.50p 5.50a
8.15a 11.15a	Benson	8.45p 4.05a
	Wilcox	8.45p
	Bowie	2.15p
	Loring	11.15p 2.15a
2.40p 10.45p	Denning	8.15p 10.30p
4.00p	El Paso	8.15p 8.00p

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NOTICE.

Of Application to Cut Timber Upon Public Lands.

NOTICE IS HEREBY GIVEN that Edward H. Cook, residing in Gila county, Arizona, and whose postoffice address is Globe, Gila county, Arizona, is about to make an application to the Secretary of the Interior, through the U. S. Land Office, at Tucson, Arizona, for permission to cut and remove timber from public lands for the purposes of sale and trade and the manufacture of the same into timber products, including and including under the rules and regulations of the Department of the Interior in such cases made and provided; and that said public lands are situated in the final range of mountains, in Gila county, Arizona, upon unsurveyed lands, but that the same, if surveyed, will be embraced in the legal subdivisions as follows, to-wit: The S. 1/4 of Sec. 22; S. W. 1/4 of Sec. 23; S. 1/4 of Sec. 24; all of sections 33, 34, 35, and 36; and W. 1/4 and S. E. 1/4 of Sec. 35, containing 3600 acres more or less, in Township 13 North, Range 15 East, Gila and Salt River Meridian. Also the N. 1/4 and S. E. 1/4 of Sec. 34 and sections 3 and 2, containing about 1120 acres in Township 23 S., Range 15 East.

All persons having legal objections thereto should make the same known to the undersigned and to the Register of the U. S. Land Office at Tucson, Arizona.

EDWARD H. COOK.

February 5th, 1895.

EUGENE MIDDLETON. S. C. SAYLER.

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